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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,913

10/03/2005

Keijo Laiho

P18057-US1

8367

27045

7590

03/18/2008

ERICSSON INC.  
6300 LEGACY DRIVE  
M/S EVR 1-C-11  
PLANO, TX 75024

EXAMINER

CHENG, ICHIEH

ART UNIT

PAPER NUMBER

4183

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,913	<b>Applicant(s)</b> LAIHO ET AL.	
	<b>Examiner</b> ICHIEH CHENG	<b>Art Unit</b> 4183	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/18/2007, 10/03/2005</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 4, 9 and 11 are objected to because of the following informalities: In claim 4, the correct spelling for "signalling" is "signaling"; in claim 9, it should be "a" H. 323 terminal rather than "an" H. 323 terminal; in claim 11, the preamble should be "An apparatus for ...". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-4, 6-8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kallio et al. (US 2004/0157629).

As to claim 1, Kallio et al. disclose a method of performing lawful interception of a multimedia call between two or more terminals, the method comprising: detecting the initiation of said call at monitoring equipment (Fig. 1, label 11) located in the call path ([0057-0068]); forwarding from the monitoring equipment to a gateway, parameters defining at least one of the forward and reverse channels of said call (Fig 1, [0057-0068]); emulating a multimedia terminal at said gateway and setting up at least one multimedia call from said gateway between the emulated terminal and a monitoring terminal, the properties of the call being negotiated in dependence upon the received

parameters (Fig 1, [0057-0068]); and following the setting up of the first mentioned multimedia call, intercepting forward and/or reverse channel data at said monitoring equipment, routing the intercepted data to said gateway, and transmitting the data to the monitoring terminal over the forward channel of the or each second mentioned multimedia call (Fig 1, [0057-0068]).

As to claim 2, Kallio et al. disclose said gateway performing a mapping between protocols used in the network connecting the terminals involved in the call being intercepted, to protocols used in the network connecting the gateway to the monitoring terminal ([0060-0068]).

As to claim 3, Kallio et al. disclose wherein the monitoring terminal communicates with said gateway via a broadband IP network ([0057-0068]).

As to claim 4, Kallio et al. disclose said monitoring equipment forwarding to said gateway, signaling messages exchanged between the terminals involved in the call being intercepted ([0057-0068]).

As to claim 6, Kallio et al. disclose setting up a call from said gateway to the monitoring terminal for each of the forward and reverse channels of the intercepted call ([0057-0068]).

As to claim 7, Kallio et al. disclose multiplexing/mixing the intercepted forward and reverse channel data onto the forward channel of a single call established between said gateway and the monitoring terminal ([0057-0068]).

As to claim 8, Kallio et al. disclose establishing two calls between the gateway and respective terminals at the monitoring centre, forward channel data from the

intercepted call being placed on the forward channel of one of these two calls, whilst reverse channel data is placed on the forward channel of the other one of the calls ([0057-0068]).

As to claim 11, Kallio et al. disclose an apparatus for intercepting a multimedia call between two or more terminal, the apparatus comprising: means for receiving from monitoring equipment (Fig. 1, label 11) located within the call path, parameters defining at least one of the forward and reverse channels of said call, following detection of the initiation of said call by the monitoring equipment (Fig 1, [0057-0068]); means for emulating a multimedia terminal and means for setting up at least one multimedia call between the emulated terminal and to a monitoring terminal, this means negotiating the properties of the call in dependence upon the received parameters (Fig 1, [0057-0068]); and means for receiving intercepted forward and/or reverse channel data from said monitoring equipment, and for transmitting the data to a monitoring terminal over the forward channel(s) of the Second mentioned multimedia call(s) (Fig 1, [0057-0068]).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio et al (US 2004/0157629) as applied to claim 1 above in view of Armbruster et al (US 5892811).

As to claim 5, Kallio et al. disclose the claimed invention above, but fail to disclose said gateway performing transcoding of intercepted channel data.

However, Armbruster et al. disclose performing transcoding of intercepted channel data (column 6, lines 35-53) to improve the quality of intercepted calls.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to include transcoding of intercepted channel data to improve the quality of intercepted calls.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio et al. (US 2004/0517629) as applied to claim 1 above in view of Hoffberg et al. (US 2002/0151992).

As to claim 9, Kallio et al. disclose the claimed invention above, but fail to disclose wherein the terminals participating in the first mentioned multimedia call are H. 324 terminals, and said monitoring terminal is a H. 323 terminal.

However, Hoffberg et al. disclose terminals participating in the first mentioned multimedia call are H. 324 terminals, and said monitoring terminal is a H. 323 terminal ([0642]) to improve compatibility of a network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to include terminals participating in the first mentioned multimedia call are H. 324 terminals, and said monitoring terminal is a H. 323 terminal ([0642]) taught by Hoffberg et al with Kallio et al, to improve compatibility of a network ([0642]).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio et al. (US 2004/0517629) as applied to claim 1 above in view of Kung et al. (US 6373817).

As to claim 10, Kallio et al. disclose the claimed invention above, but fail to disclose wherein the terminals participating in the first mentioned multimedia call are SIP terminals, and said monitoring terminal is also a SIP terminal.

However, Kung et al. disclose terminals participating in the first mentioned multimedia call are SIP terminals, and said monitoring terminal is also a SIP terminal (column 13, lines 27- 67) to provide a signaling and call setup protocol for IP based communication that can support a superset of the call processing functions and features present in the public switched telephone network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to include terminals participating in the first mentioned multimedia call are SIP terminals, and said monitoring terminal is also a SIP terminal as taught by Kung et al with Kallio et al, to provide a signaling and call setup

protocol for IP based communication that can support a superset of the call processing functions and features present in the public switched telephone network.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ICHIEH CHENG whose telephone number is (571)270-1941. The examiner can normally be reached on Monday to Thursday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ichieh Cheng/  
Examiner, Art Unit 4183

3/14/08

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/Len Tran/

Supervisory Patent Examiner, Art Unit 4183